THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 432 of 2001(S/B)
(Old Civil Misc. W.P. No. 48430 of 2000)

R.S. Sorte, S/O Sri S.M. Sorte, Senior Manager (Koteshwar), Tehri Hydro Development Corporation Ltd., Tehri Garhwal.

… Petitioner.

Vs.

1. Hon'ble Chairman and Managing Director, Tehri Hydro Development Corporation, A-10, Sector-1 KRIBHCO BHAWAN, Noida-201 301(U.P.)
2. The Director (Technical) Tehri Hydro Development Corporation Ltd. Noida.
3. The Director (Personnel) Tehri Hydro Development Corporation Ltd. Noida.

…Respondents.

Sri M.C. Kandpal, Sr. Advocate, assisted by Sri Kurban Alilearned counsel for the petitioner.
Sri U.K. Uniyal, ld. Senior Advocate assisted by Sri S.Saharia, learned counsel for the respondents-THDC

Coram: Hon'ble P.C.Verma, J.
Hon'ble B.S.Verma, J.

Date July 04, 2006

Heard learned counsel for the rival parties and perused the material on record.

By means of this writ petition, the petitioner has sought for issue a writ, order or direction in the nature of mandamus directing the respondents to abolish the sealed cover procedure or open the sealed cover procedure in the matter of petitioner as well as direction in the nature of certiorari to quash the impugned order dated 19-9-2000 passed by the respondent No.1 (Annexure No. 8 to the writ petition).

The learned counsel for the respondents- T.H.D.C., Sri U.K. Uniyal, Senior Advocate, has stated at the bar that the disciplinary proceeding had been taken against the petitioner in the year 1998 and the decision thereon has already been taken and the same has been communicated on 9-05-2005 to the petitioner.

In the counter-affidavit of Sri J.C. Biswas, Senior Manager of the T.H.D.C., it was stated that no recruitment for the post of D.G.M. (Construction) for which the petitioner had applied had taken place and in the Departmental Promotion Committee (***D.P.C.***) constituted in the year considered the case of the petitioner for promotion to the said. However, since a vigilance investigation was proceeding against the petitioner, the recommendations of the D.P.C. in respect of the petitioner were kept in a sealed cover. It was further stated that the Central Bureau of Investigation has also registered a case against the petitioner and after completion of its investigation recommendations were made for departmental action.

The only outcome of the counter-affidavit filed on behalf of the respondents is that as the petitioner was facing charges of various allegations, the petitioner was not considered for promotion to the post of D.G.M., which was to be made on selection basis.

In view of this statement of the learned counsel for the T.H.D.C., and since the disciplinary proceedings had come to an end, we are inclined to accept the prayer of the petitioner in so far as it relates to opening the Sealed Cover in the matter of petitioner.

Accordingly, we direct the respondent to open the Sealed Cover within a period of one week from the date of production of certified copy of this order.

With the aforesaid direction, the writ petition is disposed of finally.

(B.S.Verma,J.) **(P.C.Verma,J.)**

RCP